

1-1 By: Huffman, Hegar S.B. No. 686
 1-2 (In the Senate - Filed February 20, 2013; February 25, 2013,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 27, 2013, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the change of the name of the Commission on Law
 1-18 Enforcement Officer Standards and Education to the Texas Commission
 1-19 on Law Enforcement.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 ARTICLE 1. CHANGING THE NAME OF THE COMMISSION ON LAW ENFORCEMENT
 1-22 OFFICER STANDARDS AND EDUCATION TO THE TEXAS COMMISSION ON LAW
 1-23 ENFORCEMENT

1-24 SECTION 1.01. Subdivision (1), Section 1701.001,
 1-25 Occupations Code, is amended to read as follows:

1-26 (1) "Commission" means the Texas Commission on Law
 1-27 Enforcement [~~Officer Standards and Education~~].

1-28 SECTION 1.02. Section 1701.002, Occupations Code, is
 1-29 amended to read as follows:

1-30 Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas
 1-31 Commission on Law Enforcement [~~Officer Standards and Education~~] is
 1-32 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
 1-33 continued in existence as provided by that chapter, the commission
 1-34 is abolished and this chapter expires September 1, 2021.

1-35 SECTION 1.03. Subchapter A, Chapter 1701, Occupations Code,
 1-36 is amended by adding Section 1701.004 to read as follows:

1-37 Sec. 1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT
 1-38 OFFICER STANDARDS AND EDUCATION. A reference in law to the
 1-39 Commission on Law Enforcement Officer Standards and Education or
 1-40 the Texas Commission on Law Enforcement Officer Standards and
 1-41 Education means the Texas Commission on Law Enforcement.

1-42 SECTION 1.04. The heading to Subchapter B, Chapter 1701,
 1-43 Occupations Code, is amended to read as follows:

1-44 SUBCHAPTER B. TEXAS COMMISSION ON LAW ENFORCEMENT [~~OFFICER~~
 1-45 ~~STANDARDS AND EDUCATION~~]

1-46 SECTION 1.05. Subsection (a), Section 1701.051,
 1-47 Occupations Code, is amended to read as follows:

1-48 (a) The Texas Commission on Law Enforcement [~~Officer~~
 1-49 ~~Standards and Education~~] is an agency of this state and consists of
 1-50 nine members appointed by the governor with the advice and consent
 1-51 of the senate as follows:

1-52 (1) three members who are sheriffs, constables, or
 1-53 chiefs of police;

1-54 (2) three members who:

1-55 (A) are licensed under this chapter, two of whom
 1-56 are peace officers who, at the time of appointment, hold
 1-57 nonsupervisory positions with a law enforcement agency; and

1-58 (B) have been licensed under this chapter for the
 1-59 five years preceding the date of appointment; and

1-60 (3) three members who represent the public.

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2-1 ARTICLE 2. CONFORMING AMENDMENTS

2-2 SECTION 2.01. Article 2.12, Code of Criminal Procedure, is
 2-3 amended to read as follows:

2-4 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
 2-5 officers:

2-6 (1) sheriffs, their deputies, and those reserve
 2-7 deputies who hold a permanent peace officer license issued under
 2-8 Chapter 1701, Occupations Code;

2-9 (2) constables, deputy constables, and those reserve
 2-10 deputy constables who hold a permanent peace officer license issued
 2-11 under Chapter 1701, Occupations Code;

2-12 (3) marshals or police officers of an incorporated
 2-13 city, town, or village, and those reserve municipal police officers
 2-14 who hold a permanent peace officer license issued under Chapter
 2-15 1701, Occupations Code;

2-16 (4) rangers and officers commissioned by the Public
 2-17 Safety Commission and the Director of the Department of Public
 2-18 Safety;

2-19 (5) investigators of the district attorneys', criminal
 2-20 district attorneys', and county attorneys' offices;

2-21 (6) law enforcement agents of the Texas Alcoholic
 2-22 Beverage Commission;

2-23 (7) each member of an arson investigating unit
 2-24 commissioned by a city, a county, or the state;

2-25 (8) officers commissioned under Section 37.081,
 2-26 Education Code, or Subchapter E, Chapter 51, Education Code;

2-27 (9) officers commissioned by the General Services
 2-28 Commission;

2-29 (10) law enforcement officers commissioned by the
 2-30 Parks and Wildlife Commission;

2-31 (11) airport police officers commissioned by a city
 2-32 with a population of more than 1.18 million located primarily in a
 2-33 county with a population of 2 million or more that operates an
 2-34 airport that serves commercial air carriers;

2-35 (12) airport security personnel commissioned as peace
 2-36 officers by the governing body of any political subdivision of this
 2-37 state, other than a city described by Subdivision (11), that
 2-38 operates an airport that serves commercial air carriers;

2-39 (13) municipal park and recreational patrolmen and
 2-40 security officers;

2-41 (14) security officers and investigators commissioned
 2-42 as peace officers by the comptroller;

2-43 (15) officers commissioned by a water control and
 2-44 improvement district under Section 49.216, Water Code;

2-45 (16) officers commissioned by a board of trustees
 2-46 under Chapter 54, Transportation Code;

2-47 (17) investigators commissioned by the Texas Medical
 2-48 Board;

2-49 (18) officers commissioned by:

2-50 (A) the board of managers of the Dallas County
 2-51 Hospital District, the Tarrant County Hospital District, the Bexar
 2-52 County Hospital District, or the El Paso County Hospital District
 2-53 under Section 281.057, Health and Safety Code; and

2-54 (B) the board of directors of the Ector County
 2-55 Hospital District under Section 1024.117, Special District Local
 2-56 Laws Code;

2-57 (19) county park rangers commissioned under
 2-58 Subchapter E, Chapter 351, Local Government Code;

2-59 (20) investigators employed by the Texas Racing
 2-60 Commission;

2-61 (21) officers commissioned under Chapter 554,
 2-62 Occupations Code;

2-63 (22) officers commissioned by the governing body of a
 2-64 metropolitan rapid transit authority under Section 451.108,
 2-65 Transportation Code, or by a regional transportation authority
 2-66 under Section 452.110, Transportation Code;

2-67 (23) investigators commissioned by the attorney
 2-68 general under Section 402.009, Government Code;

2-69 (24) security officers and investigators commissioned

3-1 as peace officers under Chapter 466, Government Code;

3-2 (25) an officer employed by the Department of State

3-3 Health Services under Section 431.2471, Health and Safety Code;

3-4 (26) officers appointed by an appellate court under

3-5 Subchapter F, Chapter 53, Government Code;

3-6 (27) officers commissioned by the state fire marshal

3-7 under Chapter 417, Government Code;

3-8 (28) an investigator commissioned by the commissioner

3-9 of insurance under Section 701.104, Insurance Code;

3-10 (29) apprehension specialists and inspectors general

3-11 commissioned by the Texas Juvenile Justice Department as officers

3-12 under Sections 242.102 and 243.052, Human Resources Code;

3-13 (30) officers appointed by the inspector general of

3-14 the Texas Department of Criminal Justice under Section 493.019,

3-15 Government Code;

3-16 (31) investigators commissioned by the Texas

3-17 Commission on Law Enforcement [~~Officer Standards and Education~~]

3-18 under Section 1701.160, Occupations Code;

3-19 (32) commission investigators commissioned by the

3-20 Texas Private Security Board under Section 1702.061(f),

3-21 Occupations Code;

3-22 (33) the fire marshal and any officers, inspectors, or

3-23 investigators commissioned by an emergency services district under

3-24 Chapter 775, Health and Safety Code;

3-25 (34) officers commissioned by the State Board of

3-26 Dental Examiners under Section 254.013, Occupations Code, subject

3-27 to the limitations imposed by that section;

3-28 (35) investigators commissioned by the Texas Juvenile

3-29 Justice Department as officers under Section 221.011, Human

3-30 Resources Code; and

3-31 (36) the fire marshal and any related officers,

3-32 inspectors, or investigators commissioned by a county under

3-33 Subchapter B, Chapter 352, Local Government Code.

3-34 SECTION 2.02. Subsection (e), Article 2.121, Code of

3-35 Criminal Procedure, is amended to read as follows:

3-36 (e) A person may not serve as a railroad peace officer for a

3-37 railroad company unless:

3-38 (1) the Texas Railroad Association submits the

3-39 person's application for appointment and certification as a

3-40 railroad peace officer to the director of the Department of Public

3-41 Safety and to the executive director of the Texas Commission on Law

3-42 Enforcement [~~Officer Standards and Education~~];

3-43 (2) the director of the department issues the person a

3-44 certificate of authority to act as a railroad peace officer; and

3-45 (3) the executive director of the commission

3-46 determines that the person meets minimum standards required of

3-47 peace officers by the commission relating to competence,

3-48 reliability, education, training, morality, and physical and

3-49 mental health and issues the person a license as a railroad peace

3-50 officer; and

3-51 (4) the person has met all standards for certification

3-52 as a peace officer by the Texas Commission on Law Enforcement

3-53 [~~Officer Standards and Education~~].

3-54 SECTION 2.03. Subsection (e), Article 2.125, Code of

3-55 Criminal Procedure, is amended to read as follows:

3-56 (e) A person may not serve as a special ranger unless:

3-57 (1) the Texas and Southwestern Cattle Raisers

3-58 Association submits the person's application for appointment and

3-59 certification as a special ranger to the director of the Department

3-60 of Public Safety and to the executive director of the Texas

3-61 Commission on Law Enforcement [~~Officer Standards and Education~~];

3-62 (2) the director of the department issues the person a

3-63 certificate of authority to act as a special ranger;

3-64 (3) the executive director of the commission

3-65 determines that the person meets minimum standards required of

3-66 peace officers by the commission relating to competence,

3-67 reliability, education, training, morality, and physical and

3-68 mental health and issues the person a license as a special ranger;

3-69 and

4-1 (4) the person has met all standards for certification
 4-2 as a peace officer by the Texas Commission on Law Enforcement
 4-3 [~~Officer Standards and Education~~].

4-4 SECTION 2.04. Subsection (e), Article 2.126, Code of
 4-5 Criminal Procedure, is amended to read as follows:

4-6 (e) Any person commissioned under this article must:

4-7 (1) meet the minimum standards required of peace
 4-8 officers by the commission relating to competence, reliability,
 4-9 education, training, morality, and physical and mental health; and

4-10 (2) meet all standards for certification as a peace
 4-11 officer by the Texas Commission on Law Enforcement [~~Officer~~
 4-12 ~~Standards and Education~~].

4-13 SECTION 2.05. Subsections (b) and (g), Article 2.132, Code
 4-14 of Criminal Procedure, are amended to read as follows:

4-15 (b) Each law enforcement agency in this state shall adopt a
 4-16 detailed written policy on racial profiling. The policy must:

4-17 (1) clearly define acts constituting racial
 4-18 profiling;

4-19 (2) strictly prohibit peace officers employed by the
 4-20 agency from engaging in racial profiling;

4-21 (3) implement a process by which an individual may
 4-22 file a complaint with the agency if the individual believes that a
 4-23 peace officer employed by the agency has engaged in racial
 4-24 profiling with respect to the individual;

4-25 (4) provide public education relating to the agency's
 4-26 complaint process;

4-27 (5) require appropriate corrective action to be taken
 4-28 against a peace officer employed by the agency who, after an
 4-29 investigation, is shown to have engaged in racial profiling in
 4-30 violation of the agency's policy adopted under this article;

4-31 (6) require collection of information relating to
 4-32 motor vehicle stops in which a citation is issued and to arrests
 4-33 made as a result of those stops, including information relating to:

4-34 (A) the race or ethnicity of the individual
 4-35 detained;

4-36 (B) whether a search was conducted and, if so,
 4-37 whether the individual detained consented to the search; and

4-38 (C) whether the peace officer knew the race or
 4-39 ethnicity of the individual detained before detaining that
 4-40 individual; and

4-41 (7) require the chief administrator of the agency,
 4-42 regardless of whether the administrator is elected, employed, or
 4-43 appointed, to submit an annual report of the information collected
 4-44 under Subdivision (6) to:

4-45 (A) the Texas Commission on Law Enforcement
 4-46 [~~Officer Standards and Education~~]; and

4-47 (B) the governing body of each county or
 4-48 municipality served by the agency, if the agency is an agency of a
 4-49 county, municipality, or other political subdivision of the state.

4-50 (g) On a finding by the Texas Commission on Law Enforcement
 4-51 [~~Officer Standards and Education~~] that the chief administrator of a
 4-52 law enforcement agency intentionally failed to submit a report
 4-53 required under Subsection (b)(7), the commission shall begin
 4-54 disciplinary procedures against the chief administrator.

4-55 SECTION 2.06. Subsections (b), (e), and (g), Article 2.134,
 4-56 Code of Criminal Procedure, are amended to read as follows:

4-57 (b) A law enforcement agency shall compile and analyze the
 4-58 information contained in each report received by the agency under
 4-59 Article 2.133. Not later than March 1 of each year, each law
 4-60 enforcement agency shall submit a report containing the
 4-61 incident-based data compiled during the previous calendar year to
 4-62 the Texas Commission on Law Enforcement [~~Officer Standards and~~
 4-63 ~~Education~~] and, if the law enforcement agency is a local law
 4-64 enforcement agency, to the governing body of each county or
 4-65 municipality served by the agency.

4-66 (e) The Texas Commission on Law Enforcement [~~Officer~~
 4-67 ~~Standards and Education~~], in accordance with Section 1701.162,
 4-68 Occupations Code, shall develop guidelines for compiling and
 4-69 reporting information as required by this article.

5-1 (g) On a finding by the Texas Commission on Law Enforcement
 5-2 [~~Officer Standards and Education~~] that the chief administrator of a
 5-3 law enforcement agency intentionally failed to submit a report
 5-4 required under Subsection (b), the commission shall begin
 5-5 disciplinary procedures against the chief administrator.

5-6 SECTION 2.07. Subsection (m), Article 15.27, Code of
 5-7 Criminal Procedure, is amended to read as follows:

5-8 (m) If the superintendent of a school district in which the
 5-9 student is enrolled learns of a failure of the head of a law
 5-10 enforcement agency or a person designated by the head of the agency
 5-11 to provide a notification under Subsection (a), the superintendent
 5-12 or principal shall report the failure to notify to the Texas
 5-13 Commission on Law Enforcement [~~Officer Standards and Education~~].

5-14 SECTION 2.08. Subdivision (23), Section 1, Article 18.20,
 5-15 Code of Criminal Procedure, is amended to read as follows:

5-16 (23) "Member of a law enforcement unit specially
 5-17 trained to respond to and deal with life-threatening situations"
 5-18 means a peace officer who, as evidenced by the submission of
 5-19 appropriate documentation to the Texas Commission on Law
 5-20 Enforcement [~~Officer Standards and Education~~]:

5-21 (A) receives a minimum of 40 hours a year of
 5-22 training in hostage and barricade suspect situations; or

5-23 (B) has received a minimum of 24 hours of
 5-24 training on kidnapping investigations and is:

5-25 (i) the sheriff of a county with a
 5-26 population of 3.3 million or more or the sheriff's designee; or

5-27 (ii) the police chief of a police
 5-28 department in a municipality with a population of 500,000 or more or
 5-29 the police chief's designee.

5-30 SECTION 2.09. Article 42.011, Code of Criminal Procedure,
 5-31 is amended to read as follows:

5-32 Art. 42.011. JUDGMENT AFFECTING AN OFFICER OR JAILER. If a
 5-33 person licensed under Chapter 1701, Occupations [~~415, Government~~]
 5-34 Code, is charged with the commission of a felony and a court that
 5-35 knows the person is licensed under that chapter convicts the person
 5-36 or places the person on community supervision, the clerk of the
 5-37 court shall send the Texas Commission on Law Enforcement [~~Officer~~
 5-38 ~~Standards and Education~~], by mail or electronically, the license
 5-39 number of the person and a certified copy of the court's judgment
 5-40 reflecting that the person has been convicted or placed on
 5-41 community supervision.

5-42 SECTION 2.10. Subsection (h), Article 102.022, Code of
 5-43 Criminal Procedure, is amended to read as follows:

5-44 (h) The comptroller shall deposit the funds received under
 5-45 this article to the credit of the Civil Justice Data Repository fund
 5-46 in the general revenue fund, to be used only by the Texas Commission
 5-47 on Law Enforcement [~~Officer Standards and Education~~] to implement
 5-48 duties under Section 1701.162, Occupations Code.

5-49 SECTION 2.11. Subsections (f) and (h), Section 37.081,
 5-50 Education Code, are amended to read as follows:

5-51 (f) The chief of police of the school district police
 5-52 department shall be accountable to the superintendent and shall
 5-53 report to the superintendent or the superintendent's designee.
 5-54 School district police officers shall be supervised by the chief of
 5-55 police of the school district or the chief of police's designee and
 5-56 shall be licensed by the Texas Commission on Law Enforcement
 5-57 [~~Officer Standards and Education~~].

5-58 (h) A peace officer assigned to duty and commissioned under
 5-59 this section shall take and file the oath required of peace officers
 5-60 and shall execute and file a bond in the sum of \$1,000, payable to
 5-61 the board of trustees, with two or more sureties, conditioned that
 5-62 the peace officer will fairly, impartially, and faithfully perform
 5-63 all the duties that may be required of the peace officer by law. The
 5-64 bond may be sued on in the name of any person injured until the whole
 5-65 amount of the bond is recovered. Any peace officer commissioned
 5-66 under this section must meet all minimum standards for peace
 5-67 officers established by the Texas Commission on Law Enforcement
 5-68 [~~Officer Standards and Education~~].

5-69 SECTION 2.12. Subsection (e), Section 51.203, Education

6-1 Code, is amended to read as follows:

6-2 (e) Any person commissioned under this Act must be a
6-3 certified police officer under the requirements of the Texas
6-4 Commission on Law Enforcement [~~Officers and Standards~~].

6-5 SECTION 2.13. Subsection (f), Section 51.214, Education
6-6 Code, is amended to read as follows:

6-7 (f) A person may not be commissioned under this section
6-8 unless the person obtains a peace officer license issued by the
6-9 Texas Commission on Law Enforcement [~~Officer Standards and~~
6-10 ~~Education~~]. The employing medical corporation or parent
6-11 corporation shall pay to the Texas Commission on Law Enforcement
6-12 [~~Officer Standards and Education~~] on behalf of an employee any fees
6-13 that are necessary to obtain a required license.

6-14 SECTION 2.14. Subsection (g), Section 54.352, Education
6-15 Code, is amended to read as follows:

6-16 (g) In this section, "injury suffered during the
6-17 performance of a duty as a peace officer" means an injury occurring
6-18 as a result of the peace officer's performance of any of the
6-19 following law enforcement duties:

6-20 (1) traffic enforcement or traffic control duties,
6-21 including enforcement of traffic laws, investigation of vehicle
6-22 accidents, or directing traffic;

6-23 (2) pursuit, arrest, or search of a person reasonably
6-24 believed to have violated a law;

6-25 (3) investigation, including undercover
6-26 investigation, of a criminal act;

6-27 (4) patrol duties, including automobile, bicycle,
6-28 foot, air, or horse patrol;

6-29 (5) duties related to the transfer of prisoners; or

6-30 (6) training duties, including participation in any
6-31 training required by the officer's employer or supervisor or by the
6-32 Texas Commission on Law Enforcement [~~Officer Standards and~~
6-33 ~~Education~~].

6-34 SECTION 2.15. Section 88.103, Education Code, is amended to
6-35 read as follows:

6-36 Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS.
6-37 The director may appoint not to exceed 25 employees of the Texas
6-38 Forest Service who are certified by the Texas Commission on Law
6-39 Enforcement [~~Officer Standards and Education~~] as qualified to be
6-40 peace officers to serve as peace officers under the direction of the
6-41 director in executing the enforcement duties of that agency. The
6-42 appointments must be approved by the board which shall commission
6-43 the appointees as peace officers. Any officer commissioned under
6-44 this section is vested with all the powers, privileges, and
6-45 immunities of peace officers in the performance of the officer's
6-46 duties. The officer shall take the oath required of peace officers.

6-47 SECTION 2.16. Subsections (a), (b), and (d), Section
6-48 96.641, Education Code, are amended to read as follows:

6-49 (a) The Bill Blackwood Law Enforcement Management Institute
6-50 of Texas shall establish and offer a program of initial training and
6-51 a program of continuing education for police chiefs. The
6-52 curriculum for each program must relate to law enforcement
6-53 management issues. The institute shall develop the curriculum for
6-54 the programs. The curriculum must be approved by the Texas
6-55 Commission on Law Enforcement [~~Officer Standards and Education~~].

6-56 (b) Each police chief must receive at least 40 hours of
6-57 continuing education provided by the institute under this section
6-58 each 24-month period. The Texas Commission on Law Enforcement
6-59 [~~Officer Standards and Education~~] by rule shall establish a uniform
6-60 24-month continuing education training period.

6-61 (d) A newly appointed or elected police chief shall complete
6-62 the initial training program for new chiefs not later than the
6-63 second anniversary of that individual's appointment or election as
6-64 chief. The initial training program for new chiefs is in addition
6-65 to the initial training and continuing education required by
6-66 Chapter 1701, Occupations Code. The Texas Commission on Law
6-67 Enforcement [~~Officer Standards and Education~~] by rule shall
6-68 establish that the first continuing education training period for
6-69 an individual under Subsection (b) begins on the first day of the

7-1 first uniform continuing education training period that follows the
7-2 date the individual completed the initial training program.

7-3 SECTION 2.17. Subsection (f), Section 32.075, Election
7-4 Code, is amended to read as follows:

7-5 (f) A person is eligible for appointment as a special peace
7-6 officer under Subsection (b) only if the person is licensed as a
7-7 peace officer by the Texas Commission on Law Enforcement [~~Officer~~
7-8 ~~Standards and Education~~].

7-9 SECTION 2.18. Subsection (j), Section 25.1312, Government
7-10 Code, is amended to read as follows:

7-11 (j) Not later than one year after the date of appointment,
7-12 the bailiff of a statutory county court must have received a peace
7-13 officer license under Chapter 1701, Occupations Code, [415] from
7-14 the Texas Commission on Law Enforcement [~~Officer Standards and~~
7-15 ~~Education~~]. The sheriff of Kaufman County shall deputize the
7-16 bailiff of a statutory county court. The bailiff of a statutory
7-17 county court is subject to the training and continuing education
7-18 requirements of a sheriff's deputy of the county. The sheriff shall
7-19 remove from office a bailiff who does not receive a peace officer
7-20 license within one year of appointment as required by this
7-21 subsection.

7-22 SECTION 2.19. Subsection (j), Section 25.2012, Government
7-23 Code, is amended to read as follows:

7-24 (j) Not later than one year after the date of appointment,
7-25 the bailiff of a county court at law must obtain a peace officer
7-26 license under Chapter 1701, Occupations Code, from the Texas
7-27 Commission on Law Enforcement [~~Officer Standards and Education~~].
7-28 The sheriff of Rockwall County shall deputize the bailiff of a
7-29 county court at law. The bailiff of a county court at law is subject
7-30 to the training and continuing education requirements of a
7-31 sheriff's deputy of the county. The sheriff shall remove from
7-32 office a bailiff who does not receive a peace officer license within
7-33 one year of appointment as required by this subsection.

7-34 SECTION 2.20. Subsection (e), Section 53.004, Government
7-35 Code, as amended by Chapters 385 (H.B. 1252) and 430 (H.B. 1108),
7-36 Acts of the 73rd Legislature, Regular Session, 1993, is reenacted
7-37 and amended to read as follows:

7-38 (e) To be eligible to be appointed bailiff in a district
7-39 court in Midland County, for the 355th District Court, or under
7-40 Section 53.001(g), a person must be at least 21 years old and hold a
7-41 peace officer license under Chapter 1701, Occupations Code, [415]
7-42 from the Texas Commission on Law Enforcement [~~Officer Standards and~~
7-43 ~~Education~~]. This subsection does not apply to a person serving as
7-44 bailiff of a court described by Section 53.001(g) on September 1,
7-45 1991.

7-46 SECTION 2.21. Subsection (c), Section 53.091, Government
7-47 Code, is amended to read as follows:

7-48 (c) A person may not be commissioned as a peace officer
7-49 under this section unless the person meets all standards for
7-50 licensing as a peace officer by the Texas Commission on Law
7-51 Enforcement [~~Officer Standards and Education~~].

7-52 SECTION 2.22. Section 76.0051, Government Code, is amended
7-53 to read as follows:

7-54 Sec. 76.0051. AUTHORIZATION TO CARRY WEAPON. An officer is
7-55 authorized to carry a weapon while engaged in the actual discharge
7-56 of the officer's duties only if:

7-57 (1) the officer possesses a certificate of firearms
7-58 proficiency issued by the Texas Commission on Law Enforcement
7-59 [~~Officer Standards and Education~~] under Section 1701.257,
7-60 Occupations Code; and

7-61 (2) the director of the department agrees to the
7-62 authorization.

7-63 SECTION 2.23. Section 411.112, Government Code, is amended
7-64 to read as follows:

7-65 Sec. 411.112. ACCESS TO CRIMINAL HISTORY RECORD
7-66 INFORMATION: TEXAS COMMISSION ON LAW ENFORCEMENT [~~OFFICER~~
7-67 ~~STANDARDS AND EDUCATION~~]. The Texas Commission on Law Enforcement
7-68 [~~Officer Standards and Education~~] is entitled to obtain from the
7-69 department criminal history record information maintained by the

8-1 department that relates to a person who is:

8-2 (1) an applicant for a license under Chapter 1701,
8-3 Occupations Code; or

8-4 (2) the holder of a license under that chapter.

8-5 SECTION 2.24. Subsection (a), Section 411.1882, Government
8-6 Code, is amended to read as follows:

8-7 (a) A person who is serving in this state as a judge or
8-8 justice of a federal court, as an active judicial officer, as
8-9 defined by Section 411.201, or as a district attorney, assistant
8-10 district attorney, criminal district attorney, assistant criminal
8-11 district attorney, county attorney, or assistant county attorney
8-12 may establish handgun proficiency for the purposes of this
8-13 subchapter by obtaining from a handgun proficiency instructor
8-14 approved by the Texas Commission on Law Enforcement [~~Officer~~
8-15 ~~Standards and Education~~] for purposes of Section 1702.1675,
8-16 Occupations Code, a sworn statement that:

8-17 (1) indicates that the person, during the 12-month
8-18 period preceding the date of the person's application to the
8-19 department, demonstrated to the instructor proficiency in the use
8-20 of handguns; and

8-21 (2) designates the categories of handguns with respect
8-22 to which the person demonstrated proficiency.

8-23 SECTION 2.25. Subsection (a), Section 411.190, Government
8-24 Code, is amended to read as follows:

8-25 (a) The director may certify as a qualified handgun
8-26 instructor a person who:

8-27 (1) is certified by the Texas Commission on Law
8-28 Enforcement [~~Officer Standards and Education~~] or under Chapter
8-29 1702, Occupations Code, to instruct others in the use of handguns;

8-30 (2) regularly instructs others in the use of handguns
8-31 and has graduated from a handgun instructor school that uses a
8-32 nationally accepted course designed to train persons as handgun
8-33 instructors; or

8-34 (3) is certified by the National Rifle Association of
8-35 America as a handgun instructor.

8-36 SECTION 2.26. Subsection (a), Section 421.021, Government
8-37 Code, is amended to read as follows:

8-38 (a) The Homeland Security Council is composed of the
8-39 governor or the governor's designee, the speaker of the house of
8-40 representatives or the speaker's designee, the lieutenant governor
8-41 or the lieutenant governor's designee, and one representative of
8-42 each of the following entities, appointed by the single statewide
8-43 elected or appointed governing officer, administrative head, or
8-44 chair, as appropriate, of the entity:

8-45 (1) Department of Agriculture;

8-46 (2) office of the attorney general;

8-47 (3) General Land Office;

8-48 (4) Public Utility Commission of Texas;

8-49 (5) Department of State Health Services;

8-50 (6) Department of Information Resources;

8-51 (7) Department of Public Safety of the State of Texas;

8-52 (8) Texas Division of Emergency Management;

8-53 (9) adjutant general's department;

8-54 (10) Texas Commission on Environmental Quality;

8-55 (11) Railroad Commission of Texas;

8-56 (12) Texas Strategic Military Planning Commission;

8-57 (13) Texas Department of Transportation;

8-58 (14) Commission on State Emergency Communications;

8-59 (15) Office of State-Federal Relations;

8-60 (16) secretary of state;

8-61 (17) Senate Committee on Agriculture, Rural Affairs
8-62 and Homeland Security;

8-63 (18) House Committee on Defense and Veterans' Affairs;

8-64 (19) Texas Animal Health Commission;

8-65 (20) Texas Association of Regional Councils;

8-66 (21) Texas Commission on Law Enforcement [~~Officer~~
8-67 ~~Standards and Education~~];

8-68 (22) state fire marshal's office;

8-69 (23) Texas Education Agency;

- 9-1 (24) Texas Commission on Fire Protection;
 9-2 (25) Parks and Wildlife Department;
 9-3 (26) Texas Forest Service; and
 9-4 (27) Texas Water Development Board.

9-5 SECTION 2.27. Section 493.019, Government Code, is amended
 9-6 to read as follows:

9-7 Sec. 493.019. ENFORCEMENT OFFICERS. The inspector general
 9-8 may appoint employees who are certified by the Texas Commission on
 9-9 Law Enforcement [~~Officer Standards and Education~~] as qualified to
 9-10 be peace officers to serve under the direction of the inspector
 9-11 general and assist the inspector general in performing the
 9-12 enforcement duties of the department.

9-13 SECTION 2.28. Subsection (d), Section 494.008, Government
 9-14 Code, is amended to read as follows:

9-15 (d) An employee described by Subsection (a) may not be
 9-16 considered a peace officer for any purposes other than those
 9-17 specified under this section and is not required to be certified by
 9-18 the Texas Commission on Law Enforcement [~~Officer Standards and~~
 9-19 ~~Education~~].

9-20 SECTION 2.29. Section 497.031, Government Code, is amended
 9-21 to read as follows:

9-22 Sec. 497.031. SALE OF STATE FLAGS TO STATE AGENCY. The
 9-23 department shall sell state flags to the Texas Commission on Law
 9-24 Enforcement [~~Officer Standards and Education~~] at a price that does
 9-25 not exceed the department's cost in producing or obtaining the
 9-26 state flags.

9-27 SECTION 2.30. Subsections (f) and (i), Section 511.0092,
 9-28 Government Code, are amended to read as follows:

9-29 (f) A county, municipality, or private vendor operating
 9-30 under a contract described by Subsection (b) shall:

- 9-31 (1) send a copy of the contract to the commission;
 9-32 (2) require all employees at the facility to maintain
 9-33 certification as required by the Texas Commission on Law
 9-34 Enforcement [~~Officer Standards and Education~~];
 9-35 (3) submit to inspections by the commission; and
 9-36 (4) immediately notify the commission of any riot,
 9-37 rebellion, escape, or other emergency situation occurring at the
 9-38 facility.

9-39 (i) Chapter 1702, Occupations Code, does not apply to an
 9-40 employee of a facility in the actual discharge of duties as an
 9-41 employee of the facility if the employee is required by Subsection
 9-42 (f)(2) [~~or by Section 1701.406, Occupations Code,~~] to maintain
 9-43 certification from the Texas Commission on Law Enforcement [~~Officer~~
 9-44 ~~Standards and Education~~].

9-45 SECTION 2.31. Section 615.003, Government Code, is amended
 9-46 to read as follows:

9-47 Sec. 615.003. APPLICABILITY. This chapter applies only to
 9-48 eligible survivors of the following individuals:

- 9-49 (1) an individual elected, appointed, or employed as a
 9-50 peace officer by the state or a political subdivision of the state
 9-51 under Article 2.12, Code of Criminal Procedure, or other law;
 9-52 (2) a paid probation officer appointed by the director
 9-53 of a community supervision and corrections department who has the
 9-54 duties set out in Section 76.002 and the qualifications set out in
 9-55 Section 76.005, or who was appointed in accordance with prior law;
 9-56 (3) a parole officer employed by the Texas Department
 9-57 of Criminal Justice who has the duties set out in Section 508.001
 9-58 and the qualifications set out in Section 508.113 or in prior law;
 9-59 (4) a paid jailer;
 9-60 (5) a member of an organized police reserve or
 9-61 auxiliary unit who regularly assists peace officers in enforcing
 9-62 criminal laws;
 9-63 (6) a member of the class of employees of the
 9-64 correctional institutions division formally designated as
 9-65 custodial personnel under Section 615.006 by the Texas Board of
 9-66 Criminal Justice or its predecessor in function;
 9-67 (7) a jailer or guard of a county jail who is appointed
 9-68 by the sheriff and who:
 9-69 (A) performs a security, custodial, or

10-1 supervisory function over the admittance, confinement, or
10-2 discharge of prisoners; and
10-3 (B) is certified by the Texas Commission on Law
10-4 Enforcement [~~Officer Standards and Education~~];
10-5 (8) a juvenile correctional employee of the Texas
10-6 Juvenile Justice Department [~~Youth Commission~~];
10-7 (9) an employee of the Department of Aging and
10-8 Disability Services or Department of State Health Services who:
10-9 (A) works at the department's maximum security
10-10 unit; or
10-11 (B) performs on-site services for the Texas
10-12 Department of Criminal Justice;
10-13 (10) an individual who is employed by the state or a
10-14 political or legal subdivision and is subject to certification by
10-15 the Texas Commission on Fire Protection;
10-16 (11) an individual employed by the state or a
10-17 political or legal subdivision whose principal duties are aircraft
10-18 crash and rescue fire fighting;
10-19 (12) a member of an organized volunteer fire-fighting
10-20 unit that:
10-21 (A) renders fire-fighting services without
10-22 remuneration; and
10-23 (B) conducts a minimum of two drills each month,
10-24 each two hours long;
10-25 (13) an individual who:
10-26 (A) performs emergency medical services or
10-27 operates an ambulance;
10-28 (B) is employed by a political subdivision of the
10-29 state or is an emergency medical services volunteer as defined by
10-30 Section 773.003, Health and Safety Code; and
10-31 (C) is qualified as an emergency care attendant
10-32 or at a higher level of training under Section 773.046, 773.047,
10-33 773.048, 773.049, or 773.0495, Health and Safety Code;
10-34 (14) an individual who is employed or formally
10-35 designated as a chaplain for:
10-36 (A) an organized volunteer fire-fighting unit or
10-37 other fire department of this state or of a political subdivision of
10-38 this state;
10-39 (B) a law enforcement agency of this state or of a
10-40 political subdivision of this state; or
10-41 (C) the Texas Department of Criminal Justice; or
10-42 (15) an individual who is employed by the state or a
10-43 political subdivision of the state and who is considered by the
10-44 governmental employer to be a trainee for a position otherwise
10-45 described by this section.
10-46 SECTION 2.32. Subsections (b) and (c), Section 615.105,
10-47 Government Code, are amended to read as follows:
10-48 (b) On the death of an individual listed in Subsection (a),
10-49 regardless of whether the individual died as a result of a personal
10-50 injury sustained in the line of duty as a peace officer, the
10-51 individual's next of kin may receive on request a state flag from
10-52 the Texas Commission on Law Enforcement [~~Officer Standards and~~
10-53 ~~Education~~].
10-54 (c) If the office of the governor is notified of the death of
10-55 an individual listed in Subsection (a) by the Texas Commission on
10-56 Law Enforcement [~~Officer Standards and Education~~] under Section
10-57 1701.161, Occupations Code, the office of the governor shall send
10-58 to the individual's next of kin a certificate that expresses
10-59 condolences and gratitude on behalf of the governor and the people
10-60 of Texas for the individual's service as a Texas peace officer.
10-61 SECTION 2.33. Subsection (b), Section 659.1031, Government
10-62 Code, is amended to read as follows:
10-63 (b) In this section, "eligible state employee organization"
10-64 means a state employee organization with a membership of at least
10-65 2,000 active or retired state employees who hold or who have held
10-66 certification from the Texas Commission on Law Enforcement [~~Officer~~
10-67 ~~Standards and Education~~].
10-68 SECTION 2.34. Subdivision (9), Section 811.001, Government
10-69 Code, is amended to read as follows:

11-1 (9) "Law enforcement officer" means a member of the
11-2 retirement system who:

11-3 (A) has been commissioned as a law enforcement
11-4 officer by the Department of Public Safety, the Texas Alcoholic
11-5 Beverage Commission, the Parks and Wildlife Department, or the
11-6 office of inspector general at the Texas Juvenile Justice
11-7 Department [~~Youth Commission~~]; and

11-8 (B) is recognized as a commissioned law
11-9 enforcement officer by the Texas Commission on Law Enforcement
11-10 [~~Officer Standards and Education~~].

11-11 SECTION 2.35. Section 2001.028, Government Code, is amended
11-12 to read as follows:

11-13 Sec. 2001.028. NOTICE OF PROPOSED LAW ENFORCEMENT RULES.
11-14 Notice of the adoption of a proposed rule by the Commission on Jail
11-15 Standards or the Texas Commission on Law Enforcement [~~Officer~~
11-16 ~~Standards and Education~~] that affects a law enforcement agency of
11-17 the state or of a political subdivision of the state is not
11-18 effective until the notice is:

11-19 (1) published as required by Section 2001.023; and

11-20 (2) mailed to each law enforcement agency that may be
11-21 affected by the proposed rule.

11-22 SECTION 2.36. Subsection (a), Section 2054.352, Government
11-23 Code, is amended to read as follows:

11-24 (a) The following licensing entities shall participate in
11-25 the system established under Section 2054.353:

11-26 (1) Texas Board of Chiropractic Examiners;

11-27 (2) Court Reporters Certification Board;

11-28 (3) State Board of Dental Examiners;

11-29 (4) Texas Funeral Service Commission;

11-30 (5) Texas Board of Professional Land Surveying;

11-31 (6) Texas Medical Board;

11-32 (7) Texas Board of Nursing;

11-33 (8) Texas Optometry Board;

11-34 (9) Department of Agriculture, for licenses issued
11-35 under Chapter 1951, Occupations Code;

11-36 (10) Texas State Board of Pharmacy;

11-37 (11) Executive Council of Physical Therapy and
11-38 Occupational Therapy Examiners;

11-39 (12) Texas State Board of Plumbing Examiners;

11-40 (13) Texas State Board of Podiatric Medical Examiners;

11-41 (14) Texas State Board of Examiners of Psychologists;

11-42 (15) State Board of Veterinary Medical Examiners;

11-43 (16) Texas Real Estate Commission;

11-44 (17) Texas Appraiser Licensing and Certification
11-45 Board;

11-46 (18) Texas Department of Licensing and Regulation;

11-47 (19) Texas State Board of Public Accountancy;

11-48 (20) State Board for Educator Certification;

11-49 (21) Texas Board of Professional Engineers;

11-50 (22) Department of State Health Services;

11-51 (23) Texas Board of Architectural Examiners;

11-52 (24) Texas Racing Commission;

11-53 (25) Texas Commission on Law Enforcement [~~Officer~~
11-54 ~~Standards and Education~~]; and

11-55 (26) Texas Private Security Board.

11-56 SECTION 2.37. Subdivision (2), Section 3105.002,
11-57 Government Code, is amended to read as follows:

11-58 (2) "Commission" means the Texas Commission on Law
11-59 Enforcement [~~Officer Standards and Education~~].

11-60 SECTION 2.38. Subsection (b), Section 431.2471, Health and
11-61 Safety Code, is amended to read as follows:

11-62 (b) The department may not employ a peace officer under this
11-63 section unless:

11-64 (1) the employee will enforce the food and drug
11-65 portions of this chapter;

11-66 (2) the Texas Commission on Law Enforcement [~~Officer~~
11-67 ~~Standards and Education~~] certifies the employee as qualified to be
11-68 a peace officer;

11-69 (3) the commissioner recommends the employee to the

12-1 department as being qualified to enforce the food and drug laws
12-2 within the jurisdiction of the department; and

12-3 (4) the employee also serves simultaneously as the
12-4 director of the food and drugs division of the department.

12-5 SECTION 2.39. Subsection (e), Section 614.002, Health and
12-6 Safety Code, is amended to read as follows:

12-7 (e) The executive head of each of the following agencies,
12-8 divisions of agencies, or associations, or that person's designated
12-9 representative, shall serve as a member of the committee:

12-10 (1) the correctional institutions division of the
12-11 Texas Department of Criminal Justice;

12-12 (2) the Department of State Health Services;

12-13 (3) the parole division of the Texas Department of
12-14 Criminal Justice;

12-15 (4) the community justice assistance division of the
12-16 Texas Department of Criminal Justice;

12-17 (5) ~~the Texas Juvenile Probation Commission;~~
12-18 ~~[(6)]~~ the Texas Juvenile Justice Department ~~[Youth~~
12-19 ~~Commission]~~;

12-20 (6) ~~[(7)]~~ the Department of Assistive and
12-21 Rehabilitative Services;

12-22 (7) ~~[(8)]~~ the Correctional Managed Health Care
12-23 Committee;

12-24 (8) ~~[(9)]~~ the Mental Health Association in Texas;

12-25 (9) ~~[(10)]~~ the Board of Pardons and Paroles;

12-26 (10) ~~[(11)]~~ the Texas Commission on Law Enforcement
12-27 ~~[Officer Standards and Education]~~;

12-28 (11) ~~[(12)]~~ the Texas Council of Community Mental
12-29 Health and Mental Retardation Centers;

12-30 (12) ~~[(13)]~~ the Commission on Jail Standards;

12-31 (13) ~~[(14)]~~ the Texas Council for Developmental
12-32 Disabilities;

12-33 (14) ~~[(15)]~~ the Texas Association for Retarded
12-34 Citizens;

12-35 (15) ~~[(16)]~~ the National Alliance for the Mentally Ill
12-36 of Texas;

12-37 (16) ~~[(17)]~~ the Parent Association for the Retarded of
12-38 Texas, Inc.;

12-39 (17) ~~[(18)]~~ the Health and Human Services Commission;
12-40 and

12-41 (18) ~~[(19)]~~ the Department of Aging and Disability
12-42 Services.

12-43 SECTION 2.40. Section 614.016, Health and Safety Code, is
12-44 amended to read as follows:

12-45 Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY
12-46 LAW ENFORCEMENT AND JAILS. (a) The office, the Texas Commission
12-47 on Law Enforcement ~~[Officer Standards and Education]~~, the bureau of
12-48 identification and records of the Department of Public Safety, and
12-49 the Commission on Jail Standards by rule shall adopt a memorandum of
12-50 understanding that establishes their respective responsibilities
12-51 to institute a continuity of care and service program for offenders
12-52 in the criminal justice system who are mentally impaired, elderly,
12-53 physically disabled, terminally ill, or significantly ill.

12-54 (b) The memorandum of understanding must establish methods
12-55 for:

12-56 (1) identifying offenders in the criminal justice
12-57 system who are mentally impaired, elderly, physically disabled,
12-58 terminally ill, or significantly ill;

12-59 (2) developing procedures for the exchange of
12-60 information relating to offenders who are mentally impaired,
12-61 elderly, physically disabled, terminally ill, or significantly ill
12-62 by the office, the Texas Commission on Law Enforcement ~~[Officer~~
12-63 ~~Standards and Education]~~, and the Commission on Jail Standards for
12-64 use in the continuity of care and services program; and

12-65 (3) adopting rules and standards that assist in the
12-66 development of a continuity of care and services program for
12-67 offenders who are mentally impaired, elderly, physically disabled,
12-68 terminally ill, or significantly ill.

12-69 SECTION 2.41. Subsection (a), Section 142.006, Human

13-1 Resources Code, is amended to read as follows:

13-2 (a) A juvenile probation officer may carry a firearm in the
13-3 course of the officer's official duties if:

13-4 (1) the juvenile probation officer possesses a
13-5 certificate of firearms proficiency issued by the Texas Commission
13-6 on Law Enforcement [~~Officer Standards and Education~~] under Section
13-7 1701.259, Occupations Code;

13-8 (2) the chief juvenile probation officer of the
13-9 juvenile probation department that employs the juvenile probation
13-10 officer authorizes the juvenile probation officer to carry a
13-11 firearm in the course of the officer's official duties; and

13-12 (3) the juvenile probation officer has been employed
13-13 for at least one year by the juvenile probation department
13-14 described by Subdivision (2).

13-15 SECTION 2.42. Subsection (b), Section 221.011, Human
13-16 Resources Code, is amended to read as follows:

13-17 (b) Peace officers employed and commissioned under
13-18 Subsection (a) must be certified by the Texas Commission on Law
13-19 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,
13-20 Occupations Code.

13-21 SECTION 2.43. Subsection (e), Section 242.102, Human
13-22 Resources Code, is amended to read as follows:

13-23 (e) Peace officers employed and commissioned under
13-24 Subsection (d) must:

13-25 (1) be certified by the Texas Commission on Law
13-26 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,
13-27 Occupations Code; and

13-28 (2) complete advanced courses relating to the duties
13-29 of peace officers employed and commissioned under Subsection (d) as
13-30 part of any continuing education requirements for the peace
13-31 officers.

13-32 SECTION 2.44. Subsection (b), Section 243.052, Human
13-33 Resources Code, is amended to read as follows:

13-34 (b) Peace officers employed and commissioned under
13-35 Subsection (a) must be certified by the Texas Commission on Law
13-36 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,
13-37 Occupations Code.

13-38 SECTION 2.45. Subsections (d), (e), and (f), Section
13-39 302.017, Labor Code, are amended to read as follows:

13-40 (d) The commission shall contract with the Texas Commission
13-41 on Law Enforcement [~~Officer Standards and Education~~] to develop a
13-42 license verification interface to verify whether an applicant for
13-43 employment as a peace officer:

13-44 (1) holds a current license issued by the Texas
13-45 Commission on Law Enforcement [~~Officer Standards and Education~~]
13-46 under Chapter 1701, Occupations Code, and, if so, the level of that
13-47 license; and

13-48 (2) has had the applicant's license revoked or
13-49 suspended by the Texas Commission on Law Enforcement [~~Officer~~
13-50 ~~Standards and Education~~].

13-51 (e) The Texas Commission on Law Enforcement [~~Officer~~
13-52 ~~Standards and Education~~] shall provide the commission with
13-53 technical assistance in the development and testing of the license
13-54 verification interface under Subsection (d).

13-55 (f) If the development and operation of the Internet website
13-56 and the associated license verification interface is not possible
13-57 due to a lack of available funding, the commission shall:

13-58 (1) enter into a memorandum of understanding with the
13-59 Texas Commission on Law Enforcement [~~Officer Standards and~~
13-60 ~~Education~~] to integrate a peace officer job matching database for
13-61 individuals seeking employment as peace officers in this state and
13-62 state and local law enforcement agencies seeking applicants for
13-63 employment as peace officers into the commission's existing Labor
13-64 Exchange System; and

13-65 (2) ensure that:

13-66 (A) the commission registers an Internet domain
13-67 name that is unique and that identifies on its face the purpose of
13-68 the peace officer job matching database; and

13-69 (B) the registered domain name and associated

14-1 link directs users of the Internet to a web page that instructs
 14-2 users on how to use the Labor Exchange System and includes a link to
 14-3 enter that system.

14-4 SECTION 2.46. Subsection (a), Section 85.0025, Local
 14-5 Government Code, is amended to read as follows:

14-6 (a) The Texas Commission on Law Enforcement [~~Officer~~
 14-7 ~~Standards and Education~~] may require each county sheriff[~~r~~] who is
 14-8 not a commissioned peace officer[~~r~~] to attend not more than 40 hours
 14-9 of instruction in law enforcement. The commission shall allow a
 14-10 sheriff at least two but not more than four years after the date on
 14-11 which the sheriff assumes office to complete the hours of
 14-12 instruction.

14-13 SECTION 2.47. Subsection (b), Section 141.009, Local
 14-14 Government Code, is amended to read as follows:

14-15 (b) In this chapter, "member of the police department" means
 14-16 an employee of the police department who has been licensed as a
 14-17 peace officer by the Texas Commission on Law Enforcement [~~Officer~~
 14-18 ~~Standards and Education~~].

14-19 SECTION 2.48. Subsection (b), Section 143.013, Local
 14-20 Government Code, is amended to read as follows:

14-21 (b) A person appointed as head of a fire department must be
 14-22 eligible for certification by the Texas Commission on Fire
 14-23 Protection [~~Personnel Standards and Education~~] at the intermediate
 14-24 level or its equivalent as determined by that commission and must
 14-25 have served as a fully paid fire fighter for at least five years. A
 14-26 person appointed as head of a police department must be eligible for
 14-27 certification by the Texas Commission on Law Enforcement [~~Officer~~
 14-28 ~~Standards and Education~~] at the intermediate level or its
 14-29 equivalent as determined by that commission and must have served as
 14-30 a bona fide law enforcement officer for at least five years.

14-31 SECTION 2.49. Subsection (e), Section 143.023, Local
 14-32 Government Code, is amended to read as follows:

14-33 (e) An applicant may not be certified as eligible for a
 14-34 beginning position with a police department unless the applicant
 14-35 meets all legal requirements necessary to become eligible for
 14-36 future licensing by the Texas Commission on Law Enforcement
 14-37 [~~Officer Standards and Education~~].

14-38 SECTION 2.50. Subsection (a), Section 143.027, Local
 14-39 Government Code, is amended to read as follows:

14-40 (a) A person appointed to a beginning position in the fire
 14-41 or police department must serve a probationary period of one year
 14-42 beginning on that person's date of employment as a fire fighter,
 14-43 police officer, or academy trainee. In a municipality with a
 14-44 population of less than 1.9 million, the commission by rule may
 14-45 extend the probationary period by not more than six months for a
 14-46 person who:

14-47 (1) is not employed by a department in which a
 14-48 collective bargaining agreement or a meet-and-confer agreement
 14-49 currently exists or previously existed; and

14-50 (2) is required to attend a basic training academy for
 14-51 initial certification by the Texas Commission on Fire Protection or
 14-52 the Texas Commission on Law Enforcement [~~Officer Standards and~~
 14-53 ~~Education~~].

14-54 SECTION 2.51. Subsection (b), Section 143.044, Local
 14-55 Government Code, is amended to read as follows:

14-56 (b) If each fire fighter or police officer in a municipality
 14-57 is afforded an opportunity to qualify for certification, the
 14-58 municipality's governing body may authorize certification pay to
 14-59 those fire fighters who meet the requirements for certification set
 14-60 by the Texas Commission on Fire Protection [~~Personnel Standards and~~
 14-61 ~~Education~~] or for those police officers who meet the requirements
 14-62 for certification set by the Texas Commission on Law Enforcement
 14-63 [~~Officer Standards and Education~~].

14-64 SECTION 2.52. Section 143.105, Local Government Code, is
 14-65 amended to read as follows:

14-66 Sec. 143.105. ELIGIBILITY FOR BEGINNING POSITION IN POLICE
 14-67 DEPARTMENT. In addition to meeting the eligibility requirements
 14-68 prescribed by Section 143.023, to be certified as eligible for a
 14-69 beginning position with a police department, a person must be at

15-1 least 21 years of age at the end of the probationary period and
15-2 have:

15-3 (1) served in the United States armed forces and
15-4 received an honorable discharge;

15-5 (2) earned at least 60 hours' credit in any area of
15-6 study at an accredited college or university, of which not more than
15-7 12 hours' credit may be earned for training at the police officer
15-8 training academy operated or sponsored by the municipality; or

15-9 (3) been employed full-time for at least five years as
15-10 a peace officer licensed by:

15-11 (A) the Texas Commission on Law Enforcement
15-12 [~~Officer Standards and Education~~]; or

15-13 (B) an acceptable licensing entity in another
15-14 state that has law enforcement officer licensing requirements
15-15 substantially equivalent to those of Chapter 1701, Occupations
15-16 Code.

15-17 SECTION 2.53. Subsection (a), Section 143.112, Local
15-18 Government Code, is amended to read as follows:

15-19 (a) In this section:

15-20 (1) "Accredited college or university" means a college
15-21 or university that is:

15-22 (A) accredited by a nationally recognized
15-23 accrediting agency and by the state board of education in the state
15-24 in which the college or university is located; and

15-25 (B) approved or certified by:

15-26 (i) the Texas Commission on Law Enforcement
15-27 [~~Officer Standards and Education~~] as teaching the core curriculum
15-28 or its equivalent in law enforcement; or

15-29 (ii) the Texas Commission on Fire
15-30 Protection [~~Personnel Standards and Education~~].

15-31 (2) "Core curriculum in law enforcement" means those
15-32 courses in law enforcement education approved by the Coordinating
15-33 Board, Texas College and University System, and the Texas
15-34 Commission on Law Enforcement [~~Officer Standards and Education~~].

15-35 SECTION 2.54. Subsection (b), Section 254.023, Local
15-36 Government Code, is amended to read as follows:

15-37 (b) The board may:

15-38 (1) manage, control, maintain, and operate the island
15-39 property;

15-40 (2) employ a general manager and any other officer,
15-41 employee, or representative the board considers appropriate;

15-42 (3) prepare and adopt a budget, set charges for a
15-43 service or facility, authorize an expenditure, and manage and
15-44 control the income and revenue of the island property;

15-45 (4) determine policies and adopt rules and procedures
15-46 for the operation of the island property;

15-47 (5) acquire property or an interest in property to
15-48 accomplish the purposes of this chapter and construct an
15-49 improvement or facility on the property;

15-50 (6) contract in its own name, but not in the name of
15-51 the municipality;

15-52 (7) sue and be sued in its own name;

15-53 (8) adopt, use, and alter a corporate seal; and

15-54 (9) establish a security force and commission as a
15-55 peace officer an employee of the force who is licensed by the Texas
15-56 Commission on Law Enforcement [~~Officer Standards and Education~~].

15-57 SECTION 2.55. Subsection (a), Section 306.040, Local
15-58 Government Code, is amended to read as follows:

15-59 (a) The board may employ permanent or temporary personnel as
15-60 it may require, including:

15-61 (1) secretaries, stenographers, bookkeepers,
15-62 accountants, and technical experts;

15-63 (2) municipal park and recreational patrol officers
15-64 [~~patrolmen~~] and security officers employed as special park police
15-65 officers, who must be licensed as peace officers by the Texas
15-66 Commission on Law Enforcement [~~Officer Standards and Education~~];

15-67 (3) unarmed security guards; and

15-68 (4) parking attendants.

15-69 SECTION 2.56. Subsection (a), Section 254.013, Occupations

16-1 Code, is amended to read as follows:

16-2 (a) The board may commission as a peace officer to enforce
16-3 this subtitle an employee who has been certified as qualified to be
16-4 a peace officer by the Texas Commission on Law Enforcement [~~Officer~~
16-5 ~~Standards and Education~~].

16-6 SECTION 2.57. Subsection (a), Section 554.010, Occupations
16-7 Code, is amended to read as follows:

16-8 (a) The board may commission as a peace officer to enforce
16-9 this subtitle an employee who has been certified as qualified to be
16-10 a peace officer by the Texas Commission on Law Enforcement [~~Officer~~
16-11 ~~Standards and Education~~].

16-12 SECTION 2.58. Section 651.409, Occupations Code, is amended
16-13 to read as follows:

16-14 Sec. 651.409. NOTICE TO NEXT OF KIN OF DECEASED PEACE
16-15 OFFICER. A funeral director who prepares a deceased peace officer
16-16 for burial or other disposition shall make every effort to advise
16-17 the next of kin of the officer that the next of kin of a person who
16-18 at the time of death was a peace officer or an honorably retired
16-19 peace officer who voluntarily terminated employment with a law
16-20 enforcement agency of this state or a political subdivision of this
16-21 state is eligible on request to receive a state flag from the Texas
16-22 Commission on Law Enforcement [~~Officer Standards and Education~~] at
16-23 no cost to the next of kin.

16-24 SECTION 2.59. Subsection (b), Section 11.0201, Parks and
16-25 Wildlife Code, is amended to read as follows:

16-26 (b) An applicant for a special game warden commission must
16-27 meet the minimum standards for licensing of a peace officer under
16-28 the rules adopted by the Texas Commission on Law Enforcement
16-29 [~~Officer Standards and Education~~].

16-30 SECTION 2.60. Subsection (f), Section 46.05, Penal Code, is
16-31 amended to read as follows:

16-32 (f) It is a defense to prosecution under this section for
16-33 the possession of a chemical dispensing device that the actor is a
16-34 security officer and has received training on the use of the
16-35 chemical dispensing device by a training program that is:

16-36 (1) provided by the Texas Commission on Law
16-37 Enforcement [~~Officer Standards and Education~~]; or

16-38 (2) approved for the purposes described by this
16-39 subsection by the Texas Private Security Board of the Department of
16-40 Public Safety.

16-41 SECTION 2.61. Subsection (b), Section 54.053,
16-42 Transportation Code, is amended to read as follows:

16-43 (b) A board may:

16-44 (1) manage, control, maintain, and operate each port
16-45 improvement or facility constituting a port or harbor of the
16-46 municipality;

16-47 (2) employ a general manager and any other officer,
16-48 employee, or representative the board considers appropriate;

16-49 (3) notwithstanding any law or charter provision to
16-50 the contrary:

16-51 (A) prepare and adopt a budget for the operation
16-52 of a port or harbor of the municipality;

16-53 (B) set charges for a service or facility;

16-54 (C) authorize an expenditure; and

16-55 (D) manage and control the income and revenue of
16-56 each port or harbor of the municipality;

16-57 (4) determine policies and adopt rules and procedures
16-58 for the operation of each port or harbor of the municipality;

16-59 (5) acquire property or an interest in property for
16-60 any purpose set forth in Section 54.003 in the manner provided by
16-61 this chapter and construct a port improvement or facility on the
16-62 property;

16-63 (6) contract in its own name, but not in the name of
16-64 the municipality;

16-65 (7) sue and be sued in its own name;

16-66 (8) adopt, use, and alter a corporate seal;

16-67 (9) establish a port security force, employ public
16-68 security officers licensed by the Texas Commission on Law
16-69 Enforcement [~~Officer Standards and Education~~], and commission

17-1 employees of the force as peace officers;

17-2 (10) own, establish, construct, improve, equip,
17-3 maintain, operate, regulate, protect, or police any transportation
17-4 facility and any necessary appurtenance to that facility;

17-5 (11) construct, lease, improve, enlarge, extend,
17-6 repair, maintain, replace, develop, or operate a port improvement
17-7 or facility;

17-8 (12) exercise all powers of a municipality relating to
17-9 the creation of an economic development program under Chapter 380,
17-10 Local Government Code, for the purpose of making grants and loans;
17-11 and

17-12 (13) exercise any additional power granted by the
17-13 ordinance or charter.

17-14 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

17-15 SECTION 3.01. (a) Effective January 1, 2014:

17-16 (1) the name of the Commission on Law Enforcement
17-17 Officer Standards and Education is changed to the Texas Commission
17-18 on Law Enforcement, and all powers, duties, rights, and obligations
17-19 of the Commission on Law Enforcement Officer Standards and
17-20 Education are the powers, duties, rights, and obligations of the
17-21 Texas Commission on Law Enforcement;

17-22 (2) a member of the Commission on Law Enforcement
17-23 Officer Standards and Education is a member of the Texas Commission
17-24 on Law Enforcement; and

17-25 (3) any appropriation to the Commission on Law
17-26 Enforcement Officer Standards and Education is an appropriation to
17-27 the Texas Commission on Law Enforcement.

17-28 (b) Effective January 1, 2014, a reference in law to the
17-29 Commission on Law Enforcement Officer Standards and Education is a
17-30 reference to the Texas Commission on Law Enforcement.

17-31 (c) The Texas Commission on Law Enforcement is the successor
17-32 to the Commission on Law Enforcement Officer Standards and
17-33 Education in all respects. All personnel, equipment, data,
17-34 documents, facilities, contracts, items, other property, rules,
17-35 decisions, and proceedings of or involving the Commission on Law
17-36 Enforcement Officer Standards and Education are unaffected by the
17-37 change in the name of the agency.

17-38 (d) The Commission on Law Enforcement Officer Standards and
17-39 Education shall adopt a schedule for phasing in the change of the
17-40 agency's name so as to minimize the fiscal impact of the name
17-41 change. Until January 1, 2014, to allow for phasing in the change
17-42 of the agency's name and in accordance with the schedule
17-43 established as required by this section, the agency may perform any
17-44 act authorized by law for the Commission on Law Enforcement Officer
17-45 Standards and Education as the Commission on Law Enforcement
17-46 Officer Standards and Education or as the Texas Commission on Law
17-47 Enforcement. Any act of the Commission on Law Enforcement Officer
17-48 Standards and Education acting as the Texas Commission on Law
17-49 Enforcement on or after the effective date of this Act and before
17-50 January 1, 2014, is an act of the Commission on Law Enforcement
17-51 Officer Standards and Education.

17-52 SECTION 3.02. This Act takes effect immediately if it
17-53 receives a vote of two-thirds of all the members elected to each
17-54 house, as provided by Section 39, Article III, Texas Constitution.
17-55 If this Act does not receive the vote necessary for immediate
17-56 effect, this Act takes effect September 1, 2013.

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